

**MINUTES OF COUNCIL REGULAR MEETING – JULY 10, 2007**

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JULY 10, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt  
Russ Brooks  
Carolynn Burt  
Margaret K. Peterson  
Steve Vincent  
Mike Winder

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

ABSENT: Joel Coleman

STAFF PRESENT:

Paul Isaac, Assistant City Manager  
Jim Welch, Finance Director  
Joseph Moore, CED Director  
Kevin Astill, Parks and Recreation Director  
Richard Catten, City Attorney  
John Evans, Fire Chief  
Russell Willardson, Public Works Director  
Anita Schwemmer, Acting Chief of Police  
Aaron Crim, Administration  
Terry Chen, Police Department

13345 **OPENING CEREMONY**

The Opening Ceremony was conducted by Dennis Nordfelt who read a humorous thought.

13346 **APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 26, 2007**

The Council read and considered the Minutes of the Regular Council Meeting held June 26, 2007. There were no changes, corrections or deletions.

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After discussion, Councilmember Burt moved to approve the Minutes of the Regular Council Meeting held June 26, 2007, as written. Councilmember Peterson seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

13347      **NATHAN BECKSTEAD, CED DEPARTMENT, EMPLOYEE OF THE MONTH JULY, 2007**

Councilmember Peterson read the nomination of Nathan Beckstead, CED Department, as the Employee of the Month for July 2007. Mr. Beckstead had been nominated for performing above and beyond his expected duties and for filling in, when needed, as the manager at the City's Animal Shelter.

Mr. Beckstead was presented with the award and the City Council congratulated him on a job well done. Mr. Beckstead introduced his family members in attendance at the meeting.

13348      **COMMENT PERIOD**

Upon inquiry by Mayor Nordfelt, there was no one who desired to address the City Council during the Comment Period.

13349      **PUBLIC HEARING, APPLICATION NO. SV-1-2006, FILED BY CHRISTIAN GARDNER, REQUESTING TO VACATE THE REMAINING PORTION OF THE SALT LAKE VIEW ADDITION SUBDIVISION PLAT**

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled July 10, 2007, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. SV-1-2006, filed by Christian Gardner, requesting to vacate the remaining portion of the Salt Lake View Addition Subdivision plat. He presented proposed Ordinance No. 07-42 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

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City Manager, Wayne Pyle, presented proposed Ordinance No. 07-42 which would vacate the remaining portion of the Salt Lake View Addition Subdivision. Mr. Pyle stated the request had been made in preparation for the Council to review the Sunset Hills PUD Subdivision.

The City Manager indicated the Salt Lake View Addition Subdivision had been platted in April, 1890, with approximately 160 acres. He stated that in October 1990, the northern 40 acres had been vacated. The portion remaining consisted of approximately 120 acres and all persons having an interest in the property had consented to the plat vacation as submitted by the applicant.

Mr. Pyle reported the Salt Lake View Addition Subdivision, along with the accompanying platted rights-of-way and alleys, had never been formally improved. He also reported the proposed vacation plat would eliminate the legally platted lots, rights-of-way and alleys dating back to the recordation of the original plat.

The City Manager stated, according to City ordinance, streets and/or alley vacations were required to be reviewed by the Planning Commission with a recommendation to the City Council.

Mayor Nordfelt opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

### **ACTION: ORDINANCE NO. 07-42, VACATING THE REMAINING PORTION OF THE SALT LAKE VIEW ADDITION SUBDIVISION**

The City Council previously held a public hearing regarding Application No. SV-1-2006, filed by Christian Gardner, and proposed Ordinance No. 07-42 which would vacate the remaining portion of the Salt Lake View Addition Subdivision.

After discussion, Councilmember Vincent moved to approve Ordinance No. 07-42, An Ordinance Vacating the Remaining Portion of the Salt Lake View Addition Subdivision. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes

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Mayor Nordfelt                      Yes

Unanimous.

13350        **RESOLUTION NO. 07-163, ESTABLISH AND APPROVE THE VOTING PRECINCTS AND POLLING PLACES FOR WEST VALLEY CITY 2007 MUNICIPAL ELECTIONS**

City Manager, Wayne Pyle, presented proposed Resolution No. 07-163 which would establish and approve the voting precincts and polling places for West Valley City's 2007 municipal elections.

Mr. Pyle stated Section 20A-5-301(1) of the Utah State Code provided the City Council could combine four Salt Lake County voting precincts into one municipal voting precinct if they designated the location and address of each precinct. He further stated the State Code also provided the polling place shall be within the combined area or within one half mile of the boundaries of the combined precinct.

The City Manager reported all polling places were in compliance with ADA (American with Disabilities Act) requirements. He also advised a list and map had been included in the Council's information packets. He indicated the map depicted City Council Districts, City voting precincts, County voting precincts, polling locations and addresses for the 2007 Municipal Election.

After discussion, Councilmember Peterson moved to approve Resolution No. 07-163, A Resolution Establishing and Approving the Voting Precincts and Polling Places for the West Valley City 2007 Municipal Elections. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

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13351      **RESOLUTION NO. 07-164, APPROVE STORM WATER DRAINAGE REIMBURSEMENT AGREEMENT WITH HENRY DAY FORD FOR STORM DRAINAGE IMPROVEMENTS**

City Manager, Wayne Pyle, presented proposed Resolution No. 07-164 which would approve a Storm Water Drainage Reimbursement Agreement with Henry Day Ford in the amount of \$84,090.72 for storm drainage improvements.

Mr. Pyle stated Henry Day Ford had been required to replace a failed storm drain on 4000 West in order to complete their project. He also stated that during site construction it had been discovered the existing 30 inch corrugated metal pipe, running under the sidewalk, had failed and was in a collapsed condition. He indicated in order to complete their project and construct a new sidewalk the storm drain required replacement. He stated to expedite construction to facilitate the opening of Henry Day Ford their contractor had provided an acceptable bid to do the work. He reported the corrugated metal pipe would be replaced with reinforced concrete pipe. He indicated the subject agreement would allow reimbursement of the above stated amount to Henry Day for cost of the installation.

After discussion, Councilmember Brooks moved to approve Resolution No. 07-164, A Resolution Authorizing the City to Enter Into a Storm Water Drainage Reimbursement Agreement with Henry Day Ford for Storm Drainage Improvements. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

13352      **RESOLUTION NO. 07-165, APPROVE DELAY AGREEMENT WITH EXPRESS OIL, INC. FOR FUTURE IMPROVEMENTS LOCATED AT APPROXIMATELY 6900 WEST 3500 SOUTH**

City Manager, Wayne Pyle, presented proposed Resolution No. 07-165 which would approve a Delay Agreement with Express Oil, Inc. for future

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improvements located at approximately 6900 West 3500 South. He stated the proposal would delay the required setback of a monument sign.

Mr. Pyle indicated Domino's Pizza desired to market their business using a monument sign. He stated due to the future right-of-way street width for 3500 South, the setbacks required for a new monument sign would be 30 feet from the existing top back of curb. He also indicated the 30 foot setback required for the monument sign made it difficult, if not impossible, to place the sign in a practical location. He reported staff recommended the agreement for the following reasons:

1. The required setbacks would place the monument sign in the middle of the existing parking lot which would be difficult to see from 3500 South.
2. Ordinance No. 11-5-103-1 allowed a 10 foot setback from the public right-of-way for a monument sign 10 feet in height. The proposed sign was 10 feet from the current public right-of-way which would be moved to the appropriate future setbacks when 3500 South was widened.

After discussion, Councilmember Winder moved to approve Resolution No. 07-165, A Resolution Authorizing the Execution and Recording of a Delay Agreement between West Valley City and Express Oil, Inc. for Future Improvements Located at approximately 6900 West 3500 South. Councilmember Peterson seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

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**RESOLUTION NO. 07-166, APPROVE AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH SUNSET HILLS, LLC, FOR PROPERTY LOCATED AT APPROXIMATELY 6420 SOUTH SR-111**

City Manager, Wayne Pyle, presented proposed Resolution No. 07-166 which would approve an Amendment to the Development Agreement with Sunset Hills, LLC, for property located at approximately 6420 South SR-111.

Mr. Pyle stated that in May, 2006, the City Council approved Resolution No. 06-104 authorizing a Development Agreement between the City and Sunset Hills, LLC, for a new subdivision located at approximately 6420 South SR-111. He indicated the subject agreement set forth development standards to enhance the residential subdivision. He further indicated the purpose of the subject Resolution was to modify a portion of the fencing requirement.

The City Manager reported that during the re-zoning process of the above mentioned property, the developer committed to certain development standards. A portion of item number 7 in Exhibit B of the Development Agreement stated the developer must install a pre-cast concrete fence along the entire perimeter of the East Village. He stated that after evaluating what the finished grades would be along the north property line of the East Village, the developer suggested a different fencing program to increase the feeling of open space along the north trail system. He indicated in lieu of the pre-cast wall along the north property line, the developer believed the black vinyl coated chain link fence, as had been required in the Wood Hollow Subdivision to the north, would provide a more open feeling for residents using the trail than would a pre-cast wall.

Mr. Pyle stated the developer had also proposed to install a three rail fence along the south side of the trail to provide increased safety and create a more rural feeling along the trail system. He further stated the developer informed staff that he would coordinate cost and construction of the black coated vinyl chain link fence with the developer of the Wood Hollow Subdivision. He indicated, for those reasons, the applicant had requested the Council revisit the fencing condition along the north property line of the East Village in the Sunset Hills PUD.

Upon discussion, members of the City Council commented and expressed concerns regarding the type of fencing proposed and the location in relation to adjacent properties. City Manager, Wayne Pyle, and CED Director, Joseph Moore, answered questions from members of the City Council.

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Upon inquiry by members of the City Council, City Attorney, Richard Catten, explained that if the Council desired further amendments to the subject development agreement it would have to be re-written and brought back to the Council at a later date. Wayne Pyle, City Manager, recommended both developers be brought together to discuss the issue further and then come back to the City Council with a new proposal.

After discussion, Councilmember Burt moved to continue the matter and table proposed Resolution No. 07-166 and direct the City Manager to work with the two developers to come up with a new proposal regarding fencing. Councilmember Peterson seconded the motion (withdrawn below).

Upon discussion of the motion and second, Councilmember Winder requested to hear from the developer prior to voting on the motion.

The Applicant, Chris Drent, addressed the City Council, and using a site plan, discussed the subject property. Mr. Drent stated there were no problems in working with the other developer and he explained reasons for the proposed fencing based on elevation of the property and location of the trail. He also answered questions from members of the City Council.

Upon further discussion, Councilmembers expressed individual comments regarding the proposal.

Councilmember Peterson withdrew her second of the original motion.

After discussion, Councilmember Burt moved to amend her original motion and continue the matter to the next Regular Meeting and table proposed Resolution No. 07-166 to allow time for staff and/or the applicant to come back to the Council with elevations and to allow time for the City Council to visit the subject site. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes



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Unanimous. Resolution No. 07-166 continued to Regular Meeting of July 17, 2007.

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**APPLICATION NO. S-21-2006, FILED BY CHRIS DRENT, REQUESTING FINAL PLAT APPROVAL FOR SUNSET HILLS PUD – PHASE 1, LOCATED AT 6420 SOUTH SR-111**

City Manager, Wayne Pyle, presented Application No. S-21-2006, filed by Chris Drent, requesting final plat approval for Sunset Hills PUD – Phase 1 Subdivision located at 6420 South SR-111.

Mr. Pyle stated the first phase of the Sunset Hills Planned Community consisted of 159 lots on 47 acres, equating to an overall density of 3.3 units per acre. He further stated the average lot size in the private community would be approximately 6,321 square feet.

The City Manager indicated the first phase of the Sunset Hills community had been planned as a courtyard development with a private street system. He stated a trail system would be incorporated into the development as well as other open spaces.

Mr. Pyle stated that during the re-zoning process, the City Council reviewed and approved a development agreement for the subdivision. He also stated due to many issues facing development at the subject location, the agreement had been rather extensive. He advised the design standards had been provided to the Council.

The City Manager reported access to the subdivision would be gained from 6600 South at SR-111, and from a stub street in the Wood Hollow Estates Subdivision to the north. He stated UDOT (Utah Department of Transportation) had informed the City that access to U-111 would only be available at 6200 South and 6600 South. For that reason, the connection with Wood Hollow to the north had been planned as a 66 foot right-of-way.

Mr. Pyle stated streets within the subdivision would be private. The minimum pavement width would be 26 feet for all private rights-of-way. Pedestrian movement would be provided by sidewalks throughout the community. He indicated the intention was that the walks connect with internal and external trails. He stated the community would become quite walkable with just less than one mile of walking trails not counting formal sidewalks.

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The City Manager advised various right-of-way widths would be used to access the subdivision. The developer would dedicate and improve 6600 South as a 40 foot half width for an eventual 80 foot right-of-way. Oquirrh Mesa Drive would be dedicated and improved as a 66 foot road. The park strip along 6600 South would consist of a park strip and street trees. Mr. Pyle stated Oquirrh Mesa Drive would have a 10 foot landscaped park strip on the west side of the street. The east side would provide a wide landscaped buffer between the court yard area and Oquirrh Mesa Drive.

Mr. Pyle reported that approximately 12.5 acres of open space had been planned for this phase of the Sunset Hills development. He indicated the east village would have a neighborhood park and a trail system that would provide approximately one mile of walking ability. He further indicated the northwest corner of the subdivision would be deeded to the City for use as a community park. He stated the City would collect park impact fees for all lots thus assisting in construction of the park improvements.

The City Manager stated the developer had proposed residents from the traditional subdivision would have access to the private park system. He further stated the developer also suggested a private association would be established to maintain the open space and trail system along the main collector street and areas outside of the masonry wall. He indicated this would include the park strip along 6600 South.

Upon inquiry by Councilmember Peterson regarding width of the road and if there were sidewalks on both sides; Chris Drent, applicant, answered the question and stated the streets were privately owned and maintained and CC&R's restricted parking on the street. He indicated he was not positive if sidewalks were on both sides of the street in the entire development, but all requirements of City ordinances had been met.

After discussion, Councilmember Brooks moved to approve Application No. S-21-2006, filed by Chris Drent, and give final plat approval for Sunset Hills PUD-Phase 1 Subdivision located at 6420 South SR-111. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes

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Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

Councilmember Peterson stated she desired the City Council be informed regarding the sidewalk issue.

After further discussion, the City Council expressed a consensus and instructed the City Manager to bring back proposed amendments to the ordinance regarding sidewalks being required on both sides of the street in residential and PUD developments.

13355      **APPLICATION NO. PUD-3-2007, FILED BY JOHN THORNTON, REQUESTING FINAL PLAT APPROVAL FOR CENTER POINTE HOLLOW LOCATED AT 1557 WEST 2320 SOUTH**

City Manager, Wayne Pyle, presented Application No. PUD-3-2007, filed by John Thornton, requesting final plat approval for Center Pointe Hollow located at 1557 West 2320 South.

Mr. Pyle stated the applicant had requested final subdivision approval for a private planned community in the 'R-1-8' zone. He further stated the subject property typified the definition of an infill development having unique characteristics relating to its configuration and location. For this reason, a planned community had been proposed.

The City Manager reported the subject development consisted of 17 units on 2.62 acres. He also reported proposed housing would be comprised of condominium units having common, limited common and private spaces. Various building elevations would be used throughout the subdivision. He indicated the proposed architecture had been reviewed and approved during the development agreement process.

Mr. Pyle reported access to the subdivision would be gained from 2320 South. He stated the developer also proposed a stub street to the east. This roadway would allow either primary or secondary access should property to the east develop in a similar fashion.

The City Manager stated the development agreement required that 7,500 square feet be provided for use as a common play area. The developer proposed to keep

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this area rather simple by providing a play structure, picnic tables, bench areas and a gazebo. In addition, a walking path would be incorporated on the western portion of the property. He indicated that in addition, a walking path would be incorporated on the western portion of the property. He stated staff recommended the walking path be a minimum of six feet in width and be connected with bench, playground and gazebo locations.

Mr. Pyle reported a number of mature trees existed along the west boundary of the development. He stated those trees served a dual purpose in that they would provide a buffer between the subject development and Red Oaks Village development located to the south and west. In addition, the trees would provide shade for the development and, because of their size, had the potential of creating a unique feeling next to the open space. He stated the developer suggested cleaning up the trees, but fully intended to keep them as they currently existed.

The City Manager advised an executive summary of the agreement and a typical building elevation and entry feature proposal had been provided to the City Council for review.

John Thornton, applicant, addressed the City Council and answered questions regarding sidewalks in the project. Mr. Thornton stated there were no sidewalks due to elevation and flood plain. He indicated the cement streets acted as a drainage route into the detention basins due to storm water requirements. Mr. Thornton stated it was a very small and quaint project with 17 units and would be a great addition to the City.

After discussion, Councilmember Winder moved to approve Application No. PUD-3-2007, filed by John Thornton, and give final plat approval for Center Pointe Hollow Subdivision located at 1557 West 2320 South. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	No
Ms. Peterson	No
Mr. Winder	Yes
Mayor Nordfelt	Yes

Majority.

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THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JULY 10, 2007, WAS ADJOURNED AT 7:43 P.M., BY MAYOR NORDFELT.

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THE WEST VALLEY CITY COUNCIL MET IN AN EXECUTIVE SESSION ON TUESDAY, JULY 10, 2007, AT 7:43 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt  
Russ Brooks  
Carolynn Burt  
Margaret K. Peterson  
Steve Vincent  
Mike Winder

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

ABSENT: Joel Coleman

STAFF PRESENT:

Richard Catten, City Attorney

See Executive Session Minutes – July 10, 2007 (Protected Record)

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE EXECUTIVE SESSION OF JULY 10, 2007, WAS ADJOURNED AT 7:55 P.M., BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting and Executive Session of the West Valley City Council held July 10, 2007.

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Sheri McKendrick, MMC  
City Recorder